



PTO/SB/21 (08-00)

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number Of Pages In This Submission

11 (w/4
references)

Application Number

09/436,455

Filing Date

November 8, 1999

First Named Inventor

Christopher J. DANEK

Group Art Unit

3739

Examiner Name

D. Shay

Attorney Docket No.

435712000921

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TECHNOLOGY CENTER R8700**ENCLOSURES (check all that apply)**☐ Fee Transmittal Form☐ Assignment Papers
(for an Application)☐ After Allowance Communication to
Group☐ Fee Attached☐ Drawing(s)☐ Appeal Communication to Board of
Appeals and Interferences☐ Amendment / Reply☐ Licensing-related Papers☐ Appeal Communication to Group
(Appeal Notice, Brief, Reply Brief)☐ After Final☐ Petition☐ Proprietary Information☐ Affidavits/declarations☐ Petition to Convert to a
Provisional Application☐ Status Letter☐ Extension of Time Request☐ Power of Attorney, Revocation
Change of Correspondence Address☒ Other Enclosure(s) (please identify
below):☐ Terminal DisclaimerForm PTO -1449 (w/copy) - 2 pages; Copy
of International Search Report - 7 pages;
Four (4) Reference; Return Receipt Postcard☐ Express Abandonment Request☐ Request for Refund☒ Information Disclosure Statement - 3
pages☐ CD, Number of CD(s) _____☐ Certified Copy of Priority Document(s)

Remarks

☐ Response to Missing Parts/
Incomplete Application☐ Response to Missing Parts
under 37 CFR 1.52 or 1.53**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

Firm

Morrison & Foerster, LLP, 755 Page Mill Road, CA 94304-1018

or

Individual Name

Richard R. Batt, Reg. No. 43,485

Signature

Date

October 17, 2001

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to: Assistant Commissioner for Patents, Washington, D.C. 20231, on October 17, 2001.
Kerry KeehanBurden Hours Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you
are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED
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L. Parks
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Docket No. 435712000921

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TECHNOLOGY CENTER R3700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Christopher J. DANEK et al.

Serial No.: 09/436,455

Filing Date: November 8, 1999

For: DEVICES FOR MODIFICATION OF
AIRWAYS BY TRANSFER OF
ENERGY

Examiner: D. Shay

Group Art Unit: 3739

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97**

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of the documents are also submitted herewith. The Examiner is requested to make these documents of record.

The documents listed on the attached Form PTO-1449 were cited in a Search Report mailed on September 28, 2001 (copy attached) directed to a counterpart international or foreign application.

This Information Disclosure Statement is submitted:

- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of * is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☒ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly, no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of * is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

I hereby certify that each item of information was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Supplemental Information Disclosure Statement under 37 C.F.R. § 1.97 is to the best of my knowledge and is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 435712000921. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: October 17, 2001

Respectfully submitted,

By: 

Richard R. Batt
Registration No. 43,485

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Form PTO-1449

Docket Number 435712000921

Application Number 09/436,455

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

Applicant

Christopher J. DANEK et al.

Filing Date November 8, 1999

Group Art U 3739

Mailing Date October 17, 2001

(Use several sheets if necessary)

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	07/30/1996	5,540,681 ϕ	Strul et al.			
	2.	09/28/1999	5,957,961 ϕ	Maguire et al.			
	3.	07/25/2000	6,092,528 ϕ	Edwards			

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	4.	04/14/1999	0 908 713 A1 ϕ	Europe			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.